

REMARKS

After entry of the foregoing amendment, claims 1-5, 10-11, 13-15, 18 and 21-25 remain pending in the application, unchanged.

Claims 1-5, 10, 11, 13, 15, 18, 21-23 and 24 stand rejected under § 103 over Wilz (6,283,375) in view of Kitano (5,926,116). The rejections are respectfully traversed.

Wilz discloses a handheld laser barcode reader that can be used to link to a URL represented by a barcode.

Kitano discloses a device that senses a user's current latitude/longitude position, and transmits this data to a remote database. The database searches for previously-stored records associated with user's sensed position (or nearby positions) and identifies corresponding records. Each of these database records has an image file associated with it.

Kitano's process narrows among the database records that were determined as potentially relevant (i.e., by position match) by comparing the stored image files in the database with image data captured by the user at their present position. Such comparison is done by pattern matching (col. 4, lines 40-46). By this arrangement, a database record is identified that corresponds both to the user's current position and to the user's current view. This identified database record has a URL associated with it, which is then provided back to the user. The user's device can then load a web page from that URL.

To establish *prima facie* obviousness, it is not sufficient that the references comprise elements that may be combined into the claimed combination. Obviousness further requires identification of some suggestion, teaching, or motivation in the prior art, leading an artisan to select specific teachings from such references and combine them in the manner proposed.

Here the Action does not identify such a suggestion, leading to such selection/combination.

The Action offers Kitano for the following teaching:

Kitano teaches a poster 41 {as shown in Fig. 6} and visible information {such as Restaurant Taxim de Paris} {col. 5, lines 21+}.

All posters have visible information. Nothing beyond this is cited from Kitano (e.g., his use of GPS location identification, or pattern matching).

The Action then asserts:

In view of Kitano's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Wilz a poster with additional visible information for promotional advertisement.

The Action continues:

Moreover, such modification would have been an obvious extension as taught by Wilz, therefor an obvious expedient.

Although obviousness is repeatedly urged, the Action does not explain 'Why?' More particularly, the Action does not identify the required suggestion, teaching, or motivation in the prior art that would have led an artisan to select specific teachings from such references (e.g., selecting the poster from Kitano – but not his GPS or pattern-recognition techniques that are key to his teachings) and combine them in the manner proposed.

Instead, the rejection seems to have impermissibly fallen victim to hindsight reconstruction.

Concerning claim 18, the undersigned finds no teaching in Wilz (e.g., in cited columns 44, 51, and 52) concerning the claimed remote database, and its specified manner of operation. Thus, even if Wilz and Kitano were combined, the claimed combination could not result.

Likewise, claim 21 specifies that the digital data comprises first and second data fields -- one serving to identify an internet address, and a second serving to convey identification data that can be passed to said address to elicit a response corresponding to the poster. Again, a review of Wilz (e.g., cited columns 44, 51 and 52) revealed no such teaching. Thus again, the art cannot be combined to yield the claimed combination.

The statement of rejection of claims 14, 23 and 25 mentions Shear (20010042043) as a tertiary reference. However, Shear is not applied in the discussion that follows; instead, Ratnakar is. Clarification is solicited.

Regardless, the rejection again fails to identify the requisite teaching, suggestion or motivation in the prior art that would have led an artisan to select and combine the chosen teachings from the three references in the manners asserted. Again, it appears hindsight has crept into the analysis.

For brevity's sake, the foregoing discussion has reviewed only certain of the claims pending in the application, and only selected points have been reviewed in connection with each. Many other points that might have been raised concerning the claims, the art, and the rejections, have not been belabored.

Date: April 25, 2006

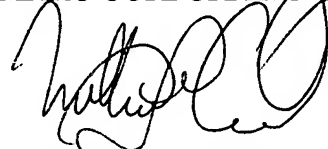
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Respectfully submitted,

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